

2007 JUL 26 PM 3:00

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS
	)	OF FACT AND CONCLUSIONS OF LAW
Case No. 39576	)	
_____	)	WATER RIGHT NO.: 21-00172

I. FINDINGS OF FACT

A claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right. An *Objection* was filed by ZJ Egbert on January 30, 2006.

A *Motion for Leave to Withdraw Objection* was filed by Mr. Egbert on May 23, 2007. A hearing was held on July 11, 2007. At the hearing Mr. Egbert explained that he longer wished to pursue the *Objection*. There was no opposition to the withdrawal of the *Objection*. Thus all parties agreed this water right should be recommended with the elements contained in the *Director's Report*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

Dated: July 26, 2007.



BRIGETTE BLYEU
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-00172

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: EGBERT FARMS
C/O Z J OR KEVIN EGBERT
PO BOX 844
ASHTON, ID 83420

SOURCE: HENRYS FORK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.50 CFS

PRIORITY DATE: 04/01/1957

POINT OF DIVERSION: T09N R42E S14 SESW Within Fremont County
S22 SENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.50 CFS

PLACE OF USE:	Irrigation	Within Fremont County
	T09N R42E S14	NWSW 38.0 LOT 6 (SWSW) 23.0
	LOT 7	(SESW) 15.0
	S15	NESE 0.2 LOT 1 (SESE) 0.8
	S22	SWNE 39.0 LOT 6 (SENW) 28.0
		NESW 36.0 NWSE 36.0
	216.0 Acres Total	

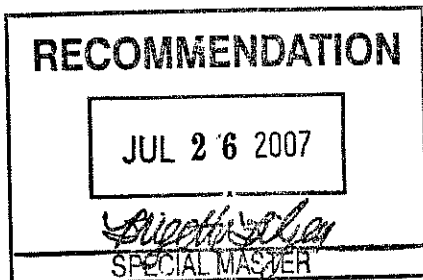
Use of this right with the rights listed below is limited to the
irrigation of a combined total of 238.8 acres in a single
irrigation season. Combined Right Nos.: 21-172, 21-4039, 21-7278,
21-7214

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 21-00172

On July 26, 2007, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 26, 2007.



JANET CONNELL
Deputy Clerk

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 21-00172

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 26, 2007, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

EGBERT FARMS
ZJ EGBERT
Represented by:
KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

SEELEY BROTHERS
Represented by:
LYNN HOSSNER
PROS ATTY FREMONT CNTY
109 NORTH SECOND WEST
ST ANTHONY, ID 83445
Phone: 208-624-3782

CERTIFICATE OF MAILING

 PAGE 1
JANET CONNELL 07/26/07
Deputy Clerk